EXHIBIT 5

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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IN RE:
NATIONAL PRESCRIPTION OPIATE LITIGATION
MDL 2804
Case No. 1:17-md-2804

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Deposition of ERIC A. GRIFFIN, Witness herein, called by the Defendants for cross-examination pursuant to the Rules of Civil Procedure, taken before me, Christine Gallagher, a Notary Public and Registered Professional Reporter in and for the State of Ohio, at the Sheraton Columbus at Capitol Square, 75 East State Street, Judicial Board Room, Columbus, Ohio, on Wednesday, the 23rd day of January, 2019, at 8:48 a.m.

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Q. When you say you were seeing various drug trends that would make you believe that, what do you mean?

A. Sure. So an example of it would be at the time we were seeing a massive amount of Florida prescriptions coming to the State of Ohio from what was labeled as pill mills down in the Florida, Broward County area, and massive amounts of prescriptions.

Q. Do you know the types of prescriptions that were coming in from Florida?

A. Most of the time they were for hydrocodone, oxycodone, Soma, alprazolam.

Q. And do you have an understanding that hydrocodone, oxycodone are opioids?

A. Yes, ma'am.

Q. And alprazolam is a benzodiazapine?

A. Yes, ma'am.

Q. What is Soma?

A. A muscle relaxer or a mild -- it can also be used as a mild pain reliever.

Q. Have you ever used the term diversion in your work at the board?

A. Yes, ma'am.

Q. What is your understanding of the

term diversion?

A. My understanding of diversion is when a pharmaceutical prescription is in any way redirected from its legitimate medical use to an illicit use, whether that's to an individual or being sold or being stolen, when it's essentially taken out of the legitimate -- the legitimate medical use system to be used illicitly.

Q. So do you agree that the transfer from a DEA registered and Ohio licensed entity to another DEA registered and Ohio licensed entity is not diversion?

A. Correct, it would be a normal course of business.

Q. And do you agree that transfer from a DEA registered and Ohio licensed dispenser to an outpatient who presents a legal prescription written by a licensed prescriber is not diversion?

A. As long as it's a legal prescription, yes, ma'am.

MS. BROWNE: Can I get AA, please?

(Thereupon, Defendants' Exhibit Number 3, Letter Dated September 27, 2006 from

Q. Okay. On page 2 of Exhibit 3, the second paragraph reads, DEA recognizes that the overwhelming majority of registered distributors act lawfully and take appropriate measures to prevent diversion.

Did I read that correctly?

A. Yes, ma'am.

Q. Has that been your experience in your time at the board, that the overwhelming majority of registered distributors act lawfully?

A. Yes, ma'am.

Q. On the third page of this document under the heading circumstances that might be indicative of diversion, under number 1 is ordering excessive quantities of a limited variety of controlled substances, open parens, e.g. ordering only phentermine, hydrocodone and alprazolam, closed parens, while ordering few, if any, other drugs.

Did I read that correctly?

A. Yes, ma'am.

Q. When we were talking about the drugs coming from Florida, you mentioned hydrocodone and alprazolam, correct?

purpose in the usual course of professional practice are prescribers, mostly doctors, and pharmacists; is that right?

A. I believe so.

Q. Is it also true that it is only those -- those two entities, the prescriber who is treating the patient and the pharmacist who is asked to fill the prescription, who can make and are legally obligated to make a determination that the prescription is for a legitimate medical purpose?

A. Yes, sir.

Q. And there isn't anybody else in the system that can prospectively make that decision; it's made on the spot by the doctor prescriber and by the dispenser, the pharmacist, correct?

A. Yes, sir.

Q. Now, to go to the Section 1 that we were looking at, this chart, number 1 that's there, goes back to 2011, and would I be correct that if we move backwards in a previous OARRS report, a similar chart exists in those reports for 2010, 2009?

A. I would assume so.